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AMENDMENT NO	Calendar No
Purpose: To rescind unused earmarks.	

IN THE SENATE OF THE UNITED STATES—112th Cong., 1st Sess.

S. 223			
AMENDMENT Nº 64			
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		To:	
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		Page(s)	-
Viz	:	GPO: 2010 '68-070 (mac)	
1		At the appropriate place, insert the following:	I .
2	SEC	ORPHAN EARMARKS ACT.	
3		(a) SHORT TITLE.—This section may be cited as	the
4	"Or	phan Earmarks Act".	
5		(b) Unused Earmarks.—	
6		(1) DEFINITION.—In this subsection, the	term
7		"earmark" means the following:	
8		(A) A congressionally directed spen	ding
9		item, as defined in Rule XLIV of the Stan	ding
10		Rules of the Senate.	
l 1		(B) A congressional earmark, as def	ined
12		for purposes of Rule XXI of the Rules of	the
13		House of Representatives.	

1	(2) Rescission.—Any earmark of funds pro-
2	vided for any Federal agency with more than 90 per-
3	cent of the appropriated amount remaining available
4	for obligation at the end of the 9th fiscal year fol-
5	lowing the fiscal year in which the earmark was
6	made available is rescinded effective at the end of
7	that 9th fiscal year, except that the agency head
8	may delay any such rescission if the agency head de-
9	termines that an additional obligation of the ear-
10	mark is likely to occur during the following 12-
11	month period.
12	(3) Identification and report.—
13	(A) AGENCY IDENTIFICATION.—Each Fed-
14	eral agency shall identify and report every
15	project that is an earmark with an unobligated
16	balance at the end of each fiscal year to the Di-
17	rector of OMB.
18	(B) ANNUAL REPORT.—The Director of
19	OMB shall submit to Congress and publically
20	post on the website of OMB an annual report
21	that includes—
22	(i) a listing and accounting for ear-
23	marks with unobligated balances summa-
24	rized by agency including the amount of
25	the original earmark, amount of the unob-

1	ligated balance, and the year when the
2	funding expires, if applicable;
3	(ii) the number of rescissions resulting
4	from this section and the annual savings
5	resulting from this section for the previous
6	fiscal year; and
7	(iii) a listing and accounting for ear-
8	marks provided for Federal agencies sched-
9	uled to be rescinded at the end of the cur-
10	rent fiscal year.